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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/804,021 | 03/12/2001 | Mark Thomas Johnson | PHNL 000099 | 8873 |

24737 7590 09/08/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

| EXAMINER |
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WU, XIAO MIN

| ART UNIT | PAPER NUMBER |
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2674

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,021

Applicant(s)

JOHNSON ET AL

Examiner

XIAO M. WU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/8/2004 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed limitations of “a lens system optically connected to the electroluminescent pixels and operably connected to the reference photosensors” was not described and supported in the specification. The specification does not describe what the lens system is and how the lens system is being optically connected to the electroluminescent pixels and connected to the ambient light sensor.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4-10, 13-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent No. 6,518,962) in view of Youngquist et al. (US Patent No. 6,549,179).

As to claims 1,9, 15, Kimura et al discloses a display device comprising electroluminescent pixels (224, Fig. 19) and a drive element (209, 200b, Fig. 19) comprising means for detecting (110) and adjusting (209) radiation emitted by the pixels and correction means (209) for correcting the radiation of the pixels based upon the detection of the light radiation from the pixel.

It is noted that Kimura does not specifically disclose correction means for correcting the adjustments for an influence of detected ambient light radiation, characterized in that the

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correction means comprises at least one reference photosensor of detecting the ambient radiation, wherein the at least one reference photosensor is shield from the emitted radiation.

Youngquist is cited to teach a LED display device similar to Kimura. Youngquist further discloses a photosensor (24) for detecting ambient light and adjusting the brightness (or current applied to the LED) based on the ambient light detected by the photosensor. Youngquist further discloses that the print circuit board also includes an aperture 24 for a photosensor (e.g. used to sense ambient light levels and thus provide feedback control to the desired brightness level of the display in different ambient light conditions (col. 4, lines 25-43). In other words, the photosensor is positioned inside the display panel; the light emitted from the LED element is not exposure to the photo sensor. Thus, the photosensor is shield from the emitted radiation from the LED elements. It would have been obvious to one of ordinary skill in the art to have modified the correction circuit of Kimura with the additional features of the ambient light adjustment as taught by Youngquist so that the brightness can be adjusted based on the influence of the detected ambient light.

As to claims 4, Kimura as modified by Youngquist discloses the drive element means for performing computing operations (16", 209, Fig. 19) on photocurrent (parameter) values obtains via the at least one reference photosensor.

As to claim 5, Youngquist discloses a functional unit (e.g. circuit board 22) of which the least one reference photosensor (24) forms part.

As to claims 6, 10, 16, Youngquist discloses that the photosensor is formed at the circuit board. Obviously, any component formed in the circuit could be detachable.

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As to claims 7, 19, Kimura discloses that the pixels are arranged in the form of a matrix (Fig. 19).

As to claims 8, 20, Kimura discloses the pixels are connected to row and/or column electrodes via switches (221, 223, Fig. 19).

As to claims 13, 18, it is well known in the art that a device such as touch screens can be operably connected (or integrated to the LED display device

As to claim 14, Kimura discloses computing unit (16", 207, 209) stored the signal from the reference photosensor (110, Fig. 19).

Response to Arguments

7. Applicant's arguments filed 4/14/2004 have been fully considered but they are not persuasive. Applicant argues that Youngquist does not the shielding of the photo sensor from radiation emitted by the disclosed dot-matrix display. This argument is not persuasive because Youngquist further discloses that the print circuit board also includes an aperture 24 for a photosensor (e.g. used to sense ambient light levels and thus provide feedback control to the desired brightness level of the display in different ambient light conditions (col. 4, lines 25-43). In other words, the photosensor is positioned inside the display panel; the light emitted from the LED element is not exposure to the photo sensor. Thus, the photosensor is shield from the emitted radiation from the LED elements. With regarding to the argument about performing computer operation on photocurrent values, please see the newly cited reference Kimura and the discussion Kimura above.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patents 5,831,693, 6,069,598 and 6,271,813 are cited to teach a display device including an ambient light sensor.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw

September 4, 2004



**XIAO WU
PRIMARY EXAMINER
ART UNIT 2674**